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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,992	10/28/2003	Luc Deverre	033818-019	3886
7590 07/27/2004				
HAROLD R. BROWN III BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			EXAMINER JENKINS, JERMAINE L	
			ART UNIT 2855	PAPER NUMBER

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/693,992	<b>Applicant(s)</b> DEVERRE ET AL.	
	<b>Examiner</b> Jermaine Jenkins	<b>Art Unit</b> 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10282003</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeGhetto (3,662,597) in view of Ohms (5,040,413).

In regards to claims 1, 4 & 17, DeGhetto teaches a tire testing machine having the means to applying a force on the tire (48), noting the force (111 & 112, being read as force gauge and recorder) applied to the tire (48), and the force is transmitted to at least a tread of the tire (48) (Column 4, lines 35-42). However, DeGhetto does not teach the noting the force applied and the inflation pressure of the inner cavity of the tire.

Ohms teaches tire testing device having a means to note the force applied and the inflation pressure of the inner cavity of the tire (1) (Column 3, lines 42-47; Column 3, line 64-Column 4, line 3). It would have been obvious to one having ordinary skill in the art at the time the invention to have the functionality of noting the force applied and the inflation pressure of the inner cavity of the tire as taught by Ohms in the tire testing apparatus of DeGhetto for the purpose of detecting dual-sensing parameters for increasing the reliability and accuracy of a plurality of tire measurements.

With respect to claim 2, DeGhetto teaches wherein, before unseating, a shoulder and a sidewall of the tire come into contact with the test surface (See Figure 2).

With respect to claim 3, DeGhetto and Ohms teaches the claimed invention except for a start of the unseating being detected by an audible hissing of air escaping from the inner cavity of the tire. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize the unseating of a tire audibly since it is well known that the unseating of a pressurized tire will cause a hissing of air due to the escaping of pressure.

With respect to claims 5-8, DeGhetto teaches wherein the force is exerted on a crown of the bead and rims at least one tangential component other than zero and wherein longitudinal and normal components of the force are zero, a tangential component of the force is merged with a transverse component of the force, and wherein a longitudinal component of the force is not zero, the process including applying a driving or braking torque to at least one of the wheel and the rim (Column 2, lines 16-21).

With respect to claims 9-11, Ohms teaches wherein the process is static and includes arranging a rolling assembly (17) on the test surface and subjecting the rolling assembly (17) to a normal test force, applied to the crown of the tread, by at least one compression means (being read as a loading device) and wherein the process is dynamic and includes applying the force by causing the rolling assembly to roll on the test surface and imposing a drift relative to the test surface (Column 3, lines 33-38).

With respect to claim 12, Ohms teaches wherein the test surface includes a rotatable cylinder (See Figure 1).

With respect to claim 13, DeGhetto and Ohms teaches the claimed invention except for the test surface including a strained-air film plate; however, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a strained-air film plate for the purpose of being readily available and easy to manufacture.

With respect to claims 14-16, DeGhetto and Ohms teaches the claimed invention except for the rolling assembly being mounted on the test surface at a non-zero drift angle, at a non-zero camber angle, and at a camber angle. However, Ohms teaches the rolling assembly being mounted on the test surface at a 90° angle (See Figure 1); therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the rolling assembly at any angle, such as a non-zero drift angle, etc., for the purpose of diversifying and increasing the accuracy of the measured values.

With respect to claims 18 & 19, Ohms teaches wherein the test surface is part of a test drum (2) on which the tire (1) is adapted to be positioned and caused to roll (Column 3, lines 33-38).

### ***Allowable Subject Matter***

3. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- Japanese Patent 409169203A – Decreased Inner Pressure Alarming Device of Method Thereof

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermaine Jenkins whose telephone number is 571-272-2179. The examiner can normally be reached on Monday-Friday 8am-430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jermaine Jenkins  
A.U. 2855

  
EDWARD LEFKOWITZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800